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PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या वाली हो जाती है जिससे कि यह अलग संकलन
की रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed
as a separate compilation

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 21st February, 1986:

I

BILL NO. III OF 1986

A Bill further to amend the Merchant Shipping Act, 1958.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:

1. This Act may be called the Merchant Shipping (Amendment) Act, 1986. Short title.

44 of 1958. 2. In the Merchant Shipping Act, 1958 (hereinafter referred to as the principal Act), section 80 shall be omitted. Omission of section 80.

3. In section 86 of the principal Act, the words "or service", wherever they occur, shall be omitted. Amend-
ment of
section 86.

4. In section 87A of the principal Act, in clause (b).—

(i) sub-clause (ii) shall be omitted;

(ii) in sub-clause (iii), the words "or service" shall be omitted; and

(iii) the words "or Indian Naval ship" shall be omitted.

saving.

5. For the removal of doubts, it is hereby declared that the amendments made in the principal Act by this Act shall not apply to, or in relation to, any certificate of service granted under section 80 or recognised under section 86 of the principal Act before the commencement of this Act and the principal Act shall apply in relation to such certificates as if this Act had not been enacted.

STATEMENT OF OBJECTS AND REASONS

The International Convention on the Standards of Training, Certification and Watchkeeping for Seafarers which was adopted in 1978 at the Conference organised by the Inter-Governmental Maritime Consultative Organization (now International Maritime Organization) came into force with effect from the 28th April, 1984. Government of India ratified the Convention on the 16th November, 1984. The Convention lays down basic requirements with respect to training, certification and watchkeeping for seafarers in deck, engine and radio departments and also prescribes the syllabi for examination of candidates for various certificates and introduction of a number of training courses aimed at improving the standards of seafarers.

2. Article VI of the aforesaid Convention prescribes qualifications and standards of examinations without which no certificate can be granted. Section 80 of the Merchant Shipping Act, 1958 is in conflict with this article as it, *inter alia*, provides that any person who has attained the rank of lieutenant in the executive branch of the Indian Navy shall be entitled to a certificate of a service as master of a foreign-going ship without examination and any person who has attained the rank of lieutenant or sub-lieutenant in the engineering branch of the Indian Navy shall be entitled, without examination, to a certificate of service as first class engineer if he is a lieutenant, and a certificate of service as second class engineer if he is a sub-lieutenant.

3. It is, therefore, proposed to omit section 80 of the Merchant Shipping Act, 1958 and make the necessary consequential amendments in certain other provisions of the Act and also make a suitable saving provision with respect to certificates of service already granted or recognised under the Act.

4. The Bill seeks to achieve the above objective.

NEW DELHI;

The 4th February, 1986.

RAJESH PILOT.

II

BILL NO. V OF 1986

A Bill further to amend the Motor Vehicles Act, 1939.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

Short title.
and com-
mence-
ment.

1. (1) This Act may be called the Motor Vehicles (Amendment) Act, 1986.

(2) It shall be deemed to have come into force on the 28th day of January, 1986.

Amend-
ment of
section 47.

2. In section 47 of the Motor Vehicles Act, 1939 (hereinafter referred to as the principal Act), in *Explanation I* below sub-section (1C), for the words and figures "sections 55, 63 and 68", the words and figures "sections 55 and 68" shall be substituted.

Amend-
ment of
section 63.

3. In section 63 of the principal Act,—

(a) in sub-section (11),—

(i) in the opening paragraph,—

(A) the words "in respect of such number of motor vehicles as the Central Government may specify in this behalf in relation to that State" shall be omitted;

(B) for the word and figures "sections 54, 55", the word and figures "sections 45, 54" shall be substituted.

4 of 1939.

- (ii) the proviso shall be omitted;
- (b) sub-section (11A), (11B) and (11C) shall be omitted;
- (c) in sub-section (12), in the opening portion,—
- (i) the words, brackets and figures “Without prejudice to the provisions of sub-section (1) of section 55,” shall be omitted;
- (ii) the word “also” shall be omitted.

4. In section 68 of the principal Act, in sub-section (2),—

- (a) in clause (c*i*),—

- (i) for the words, “public carriers, permits or national permits”, the words “or public carriers’ permits” shall be substituted;
- (ii) the words and figures “or section 63” shall be omitted;
- (b) in clauses (c*ii*) and (c*iv*), for the words, “public carriers’ permits or national permits”, the words “or public carriers’ permits” shall be substituted.

4 of 1986.

5. (1) The Motor Vehicles (Amendment) Ordinance, 1986, is hereby repealed.

Amend-
ment of
section 68.

Repeal
and sav-
ing.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act, as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

In terms of sub-section (11) of section 63 of the Motor Vehicles Act, 1939, the grant of national permits for public carriers by the appropriate authority of a State was limited to the number of permits, as specified by the Central Government from time to time, in relation to that State. Since the introduction of the scheme of national permits in 1975, the total number of national permits allocated to different States was increased from time to time. Starting with the ceiling of 5,300 in 1975 the number was gradually increased to 32,100 in July, 1984. The scheme of national permits has become very popular with the transport operators in view of the simplified procedure and the facility of single point taxation. The State Governments and the transport operators have been demanding increase in the number of permits to meet the growing requirements of long distance inter-State movement of goods. The National Transport Policy Committee in its report has recommended dispensing with the restrictions on the number of such permits. The Transport Development Council in its 19th meeting held on 17-18th October, 1985, has unanimously resolved for the removal of quota restrictions and for the grant of national permit to any applicant who fulfils the conditions as laid down in the Motor Vehicles Act, 1939, in respect of national permits subject to the condition that he applies to the appropriate authority of the region in which he resides or has his principal place of business. Taking into consideration these recommendations and the need to further facilitate smooth long distance inter-State movement of public carriers, it was decided to remove the restrictions on the number of national permits by making suitable amendments in the Motor Vehicles Act, 1939. As Parliament was not in session, the President promulgated on the 28th of January, 1986, the Motor Vehicles (Amendment) Ordinance, 1986 to achieve the above object.

2. The Bill seeks to replace the aforesaid Ordinance.

NEW DELHI;

The 10th February, 1986.

RAJESH PILOT.

*Memorandum indicating the modifications contained in the Bill to replace
the Motor Vehicles (Amendment) Ordinance, 1986*

Clause 3(c) of the Bill seeks to make minor consequential amendments to omit the reference to section 55 of the Motor Vehicles Act, 1939 in sub-section (12) of section 63 of that Act.

SUDARSHAN AGARWAL,
Secretary-General.

